MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

ULS2612 – LAW OF SUCCESSION

(All Sections / Groups)

17 OCTOBER 2015
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall CLEAN and ORIGINAL copy of:
   i. Wills Act 1959
   ii. Distribution Act 1958
   iii. Distribution (Amendment) Act 1997
   iv. Inheritance (Family Provision) Act 1971
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Brown died recently. Upon his death, his family members noticed some writing on his pillow case which mentioned the disposition of all his property to a charity. The writing was in a mixture of English and Tamil, both languages which Brown had an ability to converse in.

Instead of signing the 'will' using his normal signature, Brown merely wrote the letters 'J.B.' at the end of the pillow case. From young, Brown was often referred to as Johnny Brown by his parents and friends.

It now transpires that Brown's 'signature' was witnessed by two witnesses, Alicia and Nini. It was done at Brown's house. While they were witnessing the signing of the 'will' by Brown, Alicia left the room to answer an urgent call. As such, only Nini witnessed Brown signing his will.

When Alicia returned, both Brown and Nini had already signed the 'will'. Nini pointed to her signature and told Alicia to put her signature next to hers (Nini's). Alicia, who was only 16 years of age, did as she was told and signed next to Nini's signature.

Discuss whether there is a valid will under Section 5 of the Wills Act 1959.

(Total: 25 marks)

Continued...

QUESTION 2

Jackie died recently at the old age of 99. She was a widow who lived alone in a small house. Throughout the years, she had accumulated a rather large sum of money and other valuables such as jewellery, antiques and paintings. For the past ten years prior to her death, she had become very forgetful, increasingly confused and fearful of being robbed.

Two months before her death, she told her neighbour, Irene, that she wanted to make a will and asked for her assistance. She also mentioned to Irene that she would be leaving all her property to Irene since Irene was 'her beloved niece'. In fact, Irene was her neighbour who had been assisting her in her weekly marketing and cleaning of the house.

Irene said nothing about not being Jackie's niece and drafted the will as Jackie had requested. The will was executed two weeks before Jackie died. Jackie was by then heavily sedated in hospital and she signed the will with her shaky hands in the presence of Irene and two other nurses.

It was later found out that Jackie had a surviving sister, Jacqueline, who is residing in London. They have not been in contact for many years.

Advise Jacqueline.

(Total: 25 marks)

QUESTION 3

"The rule that a will is automatically revoked by marriage is far too harsh whereas the rules of revocation by destruction are far too problematic."

Discuss.

(Total: 25 marks)

Continued...

QUESTION 4

a) Privileged wills are no longer necessary nor desirable in light of our modern circumstances. As such, such wills should no longer be considered as valid.

Discuss.

(12.5 marks)

b) The essential requirement of mutual wills is that they should be made in pursuance of an agreement to make similar or identical provisions.

Discuss.

(12.5 marks)

(Total: 25 marks)

QUESTION 5

(a) Explain the two approaches which the courts may adopt in the interpretation of the wordings in a will. (10 marks)

(b) Explain the general and the specific rules of construction in relation to a will. (15 marks)

(Total: 25 marks)

End of Page